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DE RUEHBO #4457 3521702  
ZNR UUUUU ZZH  
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FM AMEMBASSY BOGOTA  
TO RUEHC/SECSTATE WASHDC PRIORITY 6146  
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8563  
RUEHCV/AMEMBASSY CARACAS PRIORITY 1440  
RUEHLP/AMEMBASSY LA PAZ DEC 9833  
RUEHPE/AMEMBASSY LIMA PRIORITY 6835  
RUEHZP/AMEMBASSY PANAMA PRIORITY 2796  
RUEHQT/AMEMBASSY QUITO PRIORITY 7537  
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4733

UNCLAS BOGOTA 004457

SIPDIS

E.O. 12958: N/A

TAGS: [PTER](#) [PGOV](#) [PREL](#) [ECON](#) [SOCI](#) [CO](#)

SUBJECT: MILITARY KILLS HUSBAND OF CAUCA INDIGENOUS LEADER

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SUMMARY  
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¶1. (U) 29th Army Brigade Commander General Barrero told us Colombian soldiers killed the husband of prominent Regional Indigenous Council of Cauca (CRIC) Chairperson Aida Quilcue when his vehicle did not stop at a check-point around 4:00am on December 16. Barrero called the incident a "terrible accident." The three surviving witnesses said no checkpoint existed, but noted it was dark when the incident occurred. Quilcue told us she believes the military meant to kill her due to her role in recent protests. The indigenous guard surrounded the 32 soldiers involved in the shooting. Defense Minister Juan Manuel Santos asked the United Nations to accompany the Prosecutor General's (Fiscalia) expedited investigation. We stressed the need for a transparent, impartial and rapid investigation to Prosecutor General Mario Iguaran. END SUMMARY.

¶2. (U) Quilcue's husband, Edwin Legarda, was shot by Colombian soldiers around 4:00am on December 16 between Inza and Totoro in Eastern Cauca department, and died in a hospital a few hours later. Quilcue told us the military claimed they saw a machine gun in the vehicle, noting it was still dark at the time of the incident. She said her husband was traveling with a medical mission--one of the three surviving witnesses was a nurse who was injured. Quilcue said Legarda was planning to pick her up in Popayan after her trip to the United Nations Human Rights Conference in Geneva. She voiced concern that the GOC targeted the vehicle with the intention to kill her--she said the 17 bullet holes in the vehicle from various directions proved it was an "ambush." She said the CRIC vehicle was unmarked, but well known in the area.

¶3. (SBU) Army 3rd Division Commander Justo Eliseo Pena said the soldiers asked the vehicle to stop, and when it did not, they were "confused" and opened fire. He apologized for the soldiers' overreaction, noting that no Army protocol permitted firing on a vehicle solely because it did not stop at a checkpoint. He said they were not professional soldiers, but were locally-recruited peasant soldiers. 29th Brigade Commander Barrero, who commands the troops involved in the incident, confirmed Pena's version and said the military was cooperating with a Fiscalia and Inspector General (Procuraduria) officials who were investigating the shooting. United Nations High Commission on Human Rights (UNHCHR) Jesus Pena told us they received conflicting stories from the military about whether or not the military saw a gun in Legarda's vehicle, and about the presence of a checkpoint.

¶4. (SBU) Defense Ministry Human Rights Officer Carlos Gomez said the military is concerned about the incident, and feared the reaction of the Cauca indigenous and the indigenous

guard. He said the incident was unacceptable, but noted high tensions in the area due to an on-going FARC presence. A representative from the Northern Cauca Association of Indigenous Councils (ACIN) told us the local indigenous guard surrounded the 32 soldiers at the site of the incident, demanding that the soldiers be sent to a civilian jail in Cali instead of the military jail in Popayan.

¶5. (U) Polcouns stressed the need for a transparent, impartial and rapid investigation to Prosecutor General Mario Iguaran. Iguaran said MOD Santos had agreed to fully support the Fiscalía's investigation. United Nations (UN) Development Program Director Bruno Mora told us the UN agreed to the MOD request to accompany the civilian investigation, noting the participation of the Procuraduria, the Medical Examiner's Office, the CRIC, the Senate's Human Rights Commission, the Presidential Human Rights Program, and the National Indigenous Organization of Colombia (ONIC).

¶6. (U) The UN and the European Union released a statement condemning the death, expressing concern about the circumstances, and encouraging a timely and transparent investigation. Ministry of Interior and Justice Indigenous Director Pedro Posada told us the scheduled national indigenous dialogue meetings would likely be postponed indefinitely by the indigenous due to the incident.

NICHOLS